

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

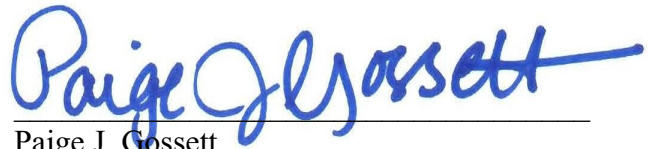
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| Slep-Tone Entertainment Corporation, |) | C/A No. 3:13-2071-MGL-PJG |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | REPORT AND RECOMMENDATION |
| Jeremy Kelly d/b/a DJ Slinky d/b/a Kelly |) | |
| Entertainment; Linda Y. Love d/b/a Red Eyed |) | |
| Karaoke; Shelly Omeara d/b/a DJ Shelly; and |) | |
| Shooter's Grill & Pub, Inc., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

Plaintiff Slep-Tone Entertainment Corporation ("Slep-Tone") filed this action alleging claims of trademark infringement, 15 U.S.C. § 1114; unfair competition, 15 U.S.C. § 1125; and violation of the South Carolina Unfair Trade Practices Act, S.C. Code Ann. §§ 39-5-20, et seq. The court previously granted the defendants' motions to sever this action and ordered that

the claims against all but the first-named Defendant, Jeremy Kelly d/b/a DJ Slinky d/b/a Kelly Entertainment, shall be severed from this action. Slep-Tone is granted twenty-one (21) days to file new, separate actions against each of the remaining severed defendants (with benefit of relation back) and pay the requisite filing fees. Failure to do so will result in the court recommending dismissal with prejudice of the claims not pursued against those defendants.

(ECF No. 120 at 3-4.) In accordance with that Order, Slep-Tone filed a new, separate civil action against Defendant Linda Y. Love d/b/a Red Eyed Karaoke, C/A No. 3:14-3386-MGL, and was granted an extension of time to file a new civil action against Defendant Shooter's Grill & Pub, Inc. (ECF No. 125). Therefore, the court recommends that Defendant Linda Y. Love d/b/a Red Eyed Karaoke be dismissed as a party to this action. Further, because Slep-Tone has not pursued a new

civil action against Defendant Shelly Omeara d/b/a DJ Shelly, the court recommends that its claims against Defendant Omeara be dismissed with prejudice.



Paige J. Gossett

UNITED STATES MAGISTRATE JUDGE

August 22, 2014
Columbia, South Carolina

The parties' attention is directed to the important notice on the next page.

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984).